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8 Attorneys for All Plaintiffs

9  
10 **UNITED STATES DISTRICT COURT**  
11  
12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 AMORETTE JONES,  
14 CONSTANCE V. JONES, SHANE  
15 JONES as an individual and guardian  
16 ad litem to HUNTER JONES and  
17 COLTEN MAX JONES, PIRIE  
18 GROSSMAN as an individual and  
19 guardian ad litem to JEREMY  
20 ROBERT GROSSMAN and  
21 ISABELLA MARIE GROSSMAN,

22 Plaintiffs,

23 v.

24 MARTIN GANZ, and DOES 1-25,

25 Defendants.

CASE NO.: 11-CV-2331 IEG WVG

PLAINTIFFS' REQUEST FOR ENTRY OF  
DEFAULT; DECLARATION OF JAMES  
T. RYAN

Action Filed: October 7, 2011  
Deadline to Respond: November 28, 2011

Hon. Irma E. Gonzalez

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 Plaintiffs hereby respectfully request that the Clerk of the above-entitled  
3 Court enter default in this matter against Defendant Martin Ganz in accordance  
4 with Federal Rule of Civil Procedure 55(a). Defendant has failed to appear or  
5 otherwise respond to the Summons and Complaint filed in this matter within the  
6 time prescribed by the Federal Rules of Civil Procedure. This request is based on  
7 the facts and circumstances and evidence in this case, as more fully described in the  
8 declaration of James T. Ryan attached hereto.

9  
10 DATED: November 29, 2011

JOHNSON & JOHNSON LLP

11 By /s/ James T. Ryan  
12 James T. Ryan  
13 Attorneys for All Plaintiffs  
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DECLARATION OF JAMES T. RYAN

I, James T. Ryan, declare as follows:

1. I am an attorney at law duly admitted to practice before the Southern District of California, and I am Of Counsel at the law firm of Johnson & Johnson LLP, attorneys of record for all Plaintiffs. I have personal knowledge of the facts set forth herein, except where indicated that they are based on information and belief, and if called upon to do so by the Court, could and would testify competently thereto.

2. Plaintiffs filed a Complaint in this action on October 7, 2011.

3. Defendant Martin Ganz was properly served by substitute service on October 28, 2011 by personal delivery of the Summons and Complaint at his place of business. The same day, the process server mailed a copy of the Summons and Complaint to Defendant Ganz at the same business address. Attached as "Exhibit A" is a true and correct copy of the proof of service of Summons and Complaint in this action (Docket No. 6).

4. In light of substituted service, Defendant Ganz was required to plead or otherwise defend by making an appearance no later than November 28, 2011 (21 days after service per FRCP 12(a)(1) plus 10 days for substituted service per California Code of Civil Procedure § 415.20).

5. Defendant Ganz has failed to plead or otherwise defend in this action by not responding to the Complaint within the time required under FRCP 12(a)(1) and FRCP 4(e)(1).

6. Defendant Ganz is not a minor and, on information and belief, is not an incompetent person, or a person in military service, or otherwise exempted from default judgment under the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. § 521).

7. This action involves a contract dispute with respect to monies owed from certain insurance policies in the amount of ten million one hundred twenty-

1 five thousand dollars (\$10,125,000) that has already come due, and another ten  
2 million dollars (\$10,000,000) that will become due on the payment of another two  
3 policies. As this money became due in August 2011, Plaintiffs also seek pre-  
4 judgment interest.

5 8. Because Defendant Ganz has failed to plead or otherwise defend in the  
6 above-entitled action, and the time for his appearance having expired, Plaintiffs  
7 respectfully request that the Clerk enter Defendant Ganz' default pursuant to Rule  
8 55(a) of the Federal Rules of Civil Procedure.

9 I declare under penalty of perjury under the laws of the United States that the  
10 foregoing is true and correct.

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12 Executed this 29th day of November 2011, at San Diego, California.

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14 By /s/ James T. Ryan

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16 James T. Ryan  
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**EXHIBIT A**

1 James T. Ryan (SBN 210515)  
2 JOHNSON & JOHNSON LLP  
3 439 North Canon Drive, Suite 200  
4 Beverly Hills, California 90210  
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19 guardian ad litem to JEREMY  
20 ROBERT GROSSMAN and  
21 ISABELLA MARIE GROSSMAN,

22 Plaintiffs,

23 v.

24 MARTIN GANZ, and DOES 1-25,

25 Defendants.

CASE NO.: 11 CV 2331 IEG WVG

NOTICE OF FILING PROOF OF  
SERVICE OF SUMMONS AND  
COMPLAINT ON MARTIN GANZ

Hon. Irma E. Gonzalez

1 TO THE COURT AND ALL PARTIES OF INTEREST:

2 PLEASE TAKE NOTICE THAT Plaintiffs in the above-referenced action  
3 hereby file the original Proof of Service of Summons and Complaint on Martin  
4 Ganz, which was served by substitute service on October 28, 2011, attached as  
5 Exhibit 1.

6  
7 DATED: November 15, 2011

JOHNSON & JOHNSON LLP

8 By /s/ James T. Ryan

9 James T. Ryan  
10 Attorneys for All Plaintiffs  
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**EXHIBIT 1**

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF CALIFORNIA

Amorette Jones, Constance V. Jones, Shane Jones as an  
individual and guardian ad litem to Hunter Jones and Colten Max  
Jones, Pirie Grossman as an individual and guardian ad litem to  
Jeremy Robert Grossman and Isabella Marie Grossman

*Plaintiff*  
v.

Martin Ganz, and Does 1-25

*Defendant*

Civil Action No. '11CV2331 IEG WVG

AMENDED SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Martin Ganz  
4512 Farragut Road  
Brooklyn NY 11203

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

James T. Ryan  
Johnson & Johnson LLP  
439 North Canon Drive, Suite 200  
Beverly Hills, CA

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

W. Samuel Hamrick, Jr.

CLERK OF COURT

Date: 10/11/11

S/ R. Uran

*Signature of Clerk or Deputy Clerk*



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. '11CV2331 IEG WVG

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Martin GANZ  
 was received by me on (date) 10-28-11

☐ I personally served the summons on the individual at (place) 4512 Farragut Road,  
Brooklyn, NY 11203. on (date) \_\_\_\_\_ ; or

☒ I left the summons at the individual's residence or usual place of <sup>business</sup> ~~abode~~ with (name) Takara  
Feliciano (@ above listed address), a person of suitable age and discretion who <sup>employed</sup> ~~resides~~ there,  
 on (date) 10/28/11, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_ ; or

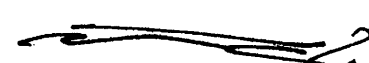
☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ 200.00 for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: 10/28/11

  
**LAVERNSON LEGRAND**  
**BROOKLYN, N.Y.**

**LIC #1068862**  
 Printed name and title

**TEAM LEGAL, INC.**  
**25876 THE OLD ROAD, SUITE 314**  
**VALENCIA, CALIFORNIA 91381**  
 Server's address

**NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE JUDGE**

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.